



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
*Lieutenant
Governor*

Office of the Governor
PUBLIC LANDS POLICY COORDINATING OFFICE
KATHLEEN CLARKE
Director

June 28, 2016

Congressional Testimony from
Kathleen Clarke
Director
Utah Public Lands Policy Coordinating Office
before the
United States Senate Committee on Energy and Natural Resources
Subcommittee Oversight Hearing

Re: The Bureau of Land Management and Forest Service's efforts to implement amendments to land use plans and specific management plans regarding sage grouse conservation, and those agencies' coordination activities with affected states

Dear Chairman and Honorable Members of this Committee:

It is a privilege to testify today before this committee on matters relating to sage grouse conservation and implementation of the federal land use plans in Utah. I currently serve as the Director of Governor Herbert's Public Lands Policy Coordinating Office. In that capacity, I oversee the implementation of the *Utah's Conservation Plan for Greater Sage-Grouse* and I am closely involved with ongoing federal efforts to implement the federal sage grouse land use plans within Utah.

My takeaway message to you today is threefold. **First**, I want to detail for you Utah's success in utilizing state management and solid science to conserve the sage grouse. **Second**, I want you to highlight some of the concerns I have regarding implementation of the federal land use plans. **Third and finally**, I will offer a few recommendations that I believe could result in more effective, efficient and successful implementation of the federal land use plans.

On a national scale, the sage grouse population in Utah makes up about 7% of the national sage grouse population with about 7.5 million acres of sage grouse habitat in the state. Nearly 50% of the sage grouse habitat in Utah is found on federal lands.

More than 15 years of intensive graduate level research by Utah State University biologists has taught us that there are 11 distinct sage grouse population centers in Utah – each one different than the others. When we accepted Secretary Salazar’s challenge to develop a statewide sage grouse conservation plan in December of 2011, we quickly realized a single Utah Plan would not work; one size would not fit all. We ended up with 11 separate plans – each focusing on local threats and risks and on conservation actions designed to conserve that unique population.

Since 2006, the state has invested over \$50 million dollars into sage grouse management and research. To date:

- We have enhanced and restored more than 620,000 acres of sage grouse habitat;
- The state has protected over 25,000 acres of habitat since 2013; and
- We have increased sage grouse populations by 58% since 2013 when we put our current plan into effect.

The greatest threats to sage grouse in Utah are fire, cheat grass, and encroachment of pinion/juniper trees into sage grouse habitat. We have found that as we prevent and manage wildfire, and restore sagebrush habitat by removing excess trees, we can restore sage grouse population numbers. Yes, the state’s strategy for managing sage grouse in Utah is very simple. And very effective!!

It was a huge disappointment when federal land management agencies adopted resource management plan revisions that largely ignored the strength and science behind

Utah's conservation plan. I could spend hours here today telling you about all of the complicated and unnecessary facets of those plans, but instead, I want to highlight just a few main issues we've encountered dealing with the implementation of the federal plans and the negative impacts we are seeing in Utah.

First, implementation in Utah is not based on the best available science.

I am concerned that one-size fits all national standards are being imposed to manage sage grouse here in Utah. For example, the forest service is looking to implement grass height standards for livestock that are based on conditions in Idaho and Oregon, but wholly unrealistic for Utah. Critical sage grouse conservation areas in the southern part of Utah have likely never seen nor will never see 7" stubble heights. Imposition of an unachievable grass height standard will result in the eventual elimination of livestock grazing in the areas, which one could be led to believe is, in fact, the desired outcome of the federal plans.

Second, plan implementation hurts Utah's economy.

The federal government needs to be cautious as it makes land use plan decisions that modify economic and resource development on federal lands. In Utah alone, \$2.5 billion dollars a year comes from economic activities in sage grouse habitat. Under federal plans, oil and gas development is being severely restricted if not banned outright depending on the habitat classification the federal agencies impose. Last year alone, over 480,000 acres of oil and gas leases were deferred due to federal sage grouse conservation plans. The potential impacts of the mineral withdrawal, particularly in a state like Nevada, are catastrophic and wholly unnecessary. As the federal agencies continue to limit development and use of *our* federal lands in the name of sage grouse conservation, they need to recognize the resultant perilous impacts to both state and national interests and economies.

And my third point is that federal sage grouse plan implementation is suffering from serious inertia.

State and local land managers have been waiting for months for “Washington knows best” implementation guidance. As I previously opined, sage grouse conservation action needs to be the result of a bottom-up process that involves many partners and that is informed by the best available science for that particular locale. All too often while working with federal agency managers, we have been told that sage grouse related decisions are on-hold awaiting direction from the DC brain trust. What a waste of time and opportunity.

IN SUMMARY and drawing on over 35 years of experience dealing with public lands issues, including 5 years directing the BLM, I recommend the following changes which I believe would improve the implementation and success of sage grouse conservation in Utah. Any help from Congress to influence the BLM, Forest Service and Fish and Wildlife Services to adopt these recommendations would be greatly appreciated.

1. First, the BLM needs to more fully follow the State of Utah’s Plan for the Conservation of the Greater Sage-Grouse. The State Plan has worked and will continue to work to conserve sage grouse. Ours is an all-lands plan and we would welcome full federal participation in its implementation.
2. Second, we need less Washington D.C. interference in plan implementation. Local BLM and Forest Service officials are highly skilled and capable, and have worked closely with the state in refining our shared understanding of sage grouse and their critical habitats. They partner regularly with us on habitat conservation and restoration projects. Local federal leaders are cognizant of the strength, science and local knowledge underpinning Utah’s Sage-Grouse Conservation Plan and know that success managing sage grouse and sage grouse habitat requires on-the-ground

knowledge and the engagement of many committed and competent partners. Participation and funding from NRCS, and many other state and federal partners, has most certainly been essential to the successes we have shared in conserving sage grouse. I urge the Director of the BLM, Chief of the Forest Service, and the respective Cabinet Secretaries to step back and allow state and local federal officials to do their jobs without the nagging requisite of constantly seeking permission from the mother-ship in D.C. before making decisions or taking action.

3. Finally, the federal agencies should adopt compensatory mitigation measures developed by the State instead of creating national one-size fits all standards. This year the Utah State Legislature passed the Sage Grouse Management and Protection Act which directs the creation of a Utah mitigation banking system that will serve to mitigate and restore sage grouse habitat that is permanently disturbed. This will be an excellent tool to assist the federal government in reaching the net-conservation-gain of sage grouse conservation. I encourage the BLM and Forest Service to fully adopt Utah's compensatory mitigation program when the rule becomes final later this year.

The State will continue to protect, conserve and create sage grouse habitat regardless of the federal plans. We are confident that our plan addresses the real threats to conservation of sage grouse in Utah, namely, fire, invasive grass, and excessive trees, rather than focusing on exaggerated or non-existent threats which result not in species conservation but serve only to constrain access to, and use of, federal lands. Again, thank you for this opportunity.